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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/934,354
Filing Date: August 20, 2001
Appellant(s): MARKEL, STEVEN O.

Markel
For Appellant

EXAMINER'S ANSWER

MAILED

APR 25 2007

GROUP 2600

This is in response to the appeal brief filed 1/16/07 appealing from the Office action mailed 6/13/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0056129	Blackketter et al.	5/2002
6668378	Leak et al.	12/2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Blackketter et al. (2002/0056129) in view of Leak et al. (6668378).

As to claim 1,

Blackketter et al. disclose: A method for delivering enhanced content to a set-top box (fig. 1; [001-002]);

receiving a trigger included in a video signal input at said set-top box for indicating that enhanced content is available (fig. 3; [0031]).

Blackketter does not disclose the steps of "establishing," "receiving", "forming."

Leak teaches establishing a communication link between a server and said set-top box; receiving instructions at the set-top box for identifying a type of said set-top box; forming a request for said enhanced content; and receiving enhanced content at said set-top box for generation of an enhanced display (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

Accordingly, it would have been obvious to one skilled in the art to modify Blackketter et al. with Leak so as to allow the different systems to be adapted to for a more customized experience.

As to claim 2, Leak et al. disclose:

wherein the said request sent by the set-top box requests specific type content only (mirrors content associated with URL; fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

As to claim 3, Leak et al. disclose:

wherein the server responds to said request set by said settop box and said server establishes identity of said set-top box and only transmits enhanced content specific to that type of said set-top box (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

As to claim 4, Blackketter et al. disclose:

Said trigger is located in the vertical blanking interval of the video signal input ("trigger 1200 is encoded in VBI line 21" [0052]).

As to claim 5, Blackketter et al. disclose:

version number 404 indicates an ATVEF trigger standard version number with which trigger 400 comports ([0036]).

As to claim 6, Blackketter et al. disclose:

wherein said communication link is Hyper Text Transfer Protocol (Hyper Text Transfer Protocol in figs. 4-6, elements 401, 501, and 601).

As to claim 7,

Blackketter in view of Leak teach: A method for delivering enhanced content to a set-top box comprising; receiving a trigger included in a video signal input at said set-top box for indicating that enhanced content is available; establishing a communication link between a server and said set-top box; based on the decoded signal header, establishing said set-top box type; transmitting said enhanced content corresponding to said type of said set-top box; receiving the enhanced data content by said set-top box for generation of an enhanced display (the limitations are included and met as discussed in claim 1).

Although Blackketter does not specifically disclose 'sending' and 'decoding,' Leak discloses sending a signal from said set-top box to said server through said communication link; decoding a signal header at said server (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

Accordingly, it would have been obvious to one skilled in the art to modify Blackketter et al. with Leak so as to allow the different systems to be adapted to for a more customized experience.

As to claim 8,

said trigger is located in the vertical blanking interval of the video signal input (met as discussed in claim 4).

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As to claim 9,

said trigger is a command string written in Advanced Television Enhancement Forum compliant code (met as discussed in claim 5).

As to claim 10,

said communication link is Hyper Text Transfer Protocol (met as discussed in claim 6).

As to claim 15,

Although Blacketter does not specifically disclose: "a system for delivering enhanced content to a set-top box; a set-top box that receives a trigger encoded in a video signal indicating that enhanced content is available, and in response to said trigger sends a signal containing header information conveying type and location information of said set-top box; a server that receives said signal and responds to said signal by transmitting enhanced content to said set-top box; and wherein said a set-top box receives said enhanced content and generates an enhanced display," Leak teaches the a system for delivering specific enhanced content to a set-top box whereby said content can be correctly utilized by said set-top box; a set-top box that receives a trigger encoded in a video signal indicating that enhanced content is available, and in response to said trigger sends a signal containing header information conveying identification and location information of said set-top box; (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14) a server that receives said signal and responds to said signal by transmitting enhanced content to said set-top box; wherein said a set-top box receives said enhanced content and generates an enhanced display

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(the limitations are included and met as discussed in claim 1; (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14). Accordingly, it would have been obvious to one skilled in the art to modify Blackketter et al. with Leak so as to allow the different systems to be adapted to for a more customized experience.

As to claim 16,

wherein the said signal sent by the set-top box requests a specific type of content only (the limitations are included and met as discussed in claim 2).

As to claim 17,

wherein the server responds to said signal from said settop box and only transmits enhanced content specific to that type of said set-top box (the limitations are included and met as discussed in claim 3).

As to claim 18,

said trigger is located in the vertical blanking interval of the video signal input (met as discussed in claim 4).

As to claim 19,

said trigger is a command string written in Advanced Television Enhancement Forum compliant code (met as discussed in claim 5).

As to claim 20,

said communication link is Hyper Text Transfer Protocol (met as discussed in claim 6).

(10) Response to Argument

Claim(s) 1-10 and 15-20 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blackketter (2002/0056159) in view of Leak (6668378).

Claim 1

a. Appellant argues on page 7, that Blackketter in view of Leak does not disclose “receiving instructions at the set-top box for identifying a type of said set-top box; forming a request for enhanced content from the server based on the type of set-top box.”

The examiner respectfully disagrees.

Leak indeed discloses, “receiving instructions at the set-top box for identifying a type of said set-top box; and forming a request for enhanced content from the server based on the type of set-top box,” in (Leak: [fig. 8; column 10, lines 30-56]; [column 12, lines 3-5]; [fig. 2; column 4, lines 44-65]; [column 5, line 47- column 6, line 14]; fig. 4).

More specifically:

- As to “*receiving instructions at the set-top box for identifying a type of said set-top box,*”

Leak discloses that the “types” of set-top boxes are “connected receivers” and “disconnected receivers.” For example, set-top boxes that have access to Internet are “connected receivers,” while set-top boxes that do not have access to Internet are “disconnected receivers.”

The type of receiver, which is either a “connected receiver” type or a “disconnected receiver” type must be “identified” at the set-top box, in order to execute the proper corresponding trigger (either a connected or disconnected trigger type). Therefore, Leak discloses “receiving instructions at the set-top box for identifying a type of said set-top box.”

For the above reasons, the reference teaches the claimed limitation.

- *As to “forming a request for enhanced content from the server based on the type of set-top box”*

Leak discloses that based on the type of set-top box, a request for enhanced content is formed. If the type is a connected set-top box with Internet connectivity, Internet content is retrieved from the server. Therefore, enhanced content from the server is requested based on the type of set-top box. Leak discloses, requesting enhanced content from the server based on the type of set-top box.

For the above reasons, the reference teaches the claimed limitation.

- Appellant argues on the last paragraph of page 8, that Leak does not teach “a separate request to the server for each type of receiver.”

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., “a separate request to the server for each type of receiver”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, forming a request *based* on the type of set-top box does not necessitate forming *separate* requests. In addition, the last limitation of claim 1 recites, “receiving enhanced content,” **not** “receiving *said* enhanced content,” which means that the enhanced content that is ultimately received at the set-top box, as claimed in claim 1, does **not** necessitate requesting “enhanced content from the server after identifying the type of set-top box,” as argued by appellant.

The examiner recognizes that the claim is given its broadest reasonable interpretation. Therefore, the examiner’s interpretation of the reference meets the claimed subject matter.

For the above reasons, the reference teaches the claimed limitations.

For the above reasons, the rejection of claim 1 should be sustained.

For the same reasons set forth above in relation to the USSC 103(a) rejection of independent claim 1, the rejection of dependent claims 2-6 over Blackketter and Leak should be sustained.

Claim 7

b. Appellant argues on page 9, that Blackketter in view of Leak does not disclose “decoding a signal header at a server; based on the decoded signal header,

establishing a set-top box type; and transmitting enhanced content corresponding to the type of the set-top box.”

The examiner respectfully disagrees.

Leak indeed discloses, “decoding a signal header at a server; based on the decoded signal header, establishing a set-top box type; and transmitting enhanced content corresponding to the type of the set-top box,” in (Leak: [fig. 8; column 10, lines 30-56]; [column 12, lines 3-5]; [fig. 2; column 4, lines 44-65]; [column 5, line 47- column 6, line 14]; fig. 4).

More specifically:

- *As to “decoding a signal header at a server; based on the decoded signal header, establishing a set-top box type, and transmitting enhanced content corresponding to the type of the set-top box,”*

Leak discloses that when a connected set-top box requests enhanced content through an Internet connection, a signal header is received and effectively decoded at the server, and the set-top box type is established to be a “connected set-top” type. The enhanced content is then transmitted corresponding to the “connected set-top box” type.

- Appellant argues, on the second paragraph of page 10 that Leak does not teach “the server determining which receiver receives each trigger,” nor “the server determines the type of set-top box.”

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., "the server determining which receiver receives each trigger" and "the server determines the type of set-top box") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the claimed limitation "decoding a signal header at a server; based on the decoded signal header, establishing a set-top box type," does **not** necessitate requesting "the server determining which receiver receives each trigger," nor "the server *determines* the type of set-top box" as argued by appellant.

The examiner recognizes that the claim is given its broadest reasonable interpretation. Therefore, the examiner's interpretation of the reference meets the claimed subject matter.

For the above reasons, the reference teaches the claimed limitations.

- Appellant argues, on the third paragraph of page 10 that Leak does not teach "different enhanced content for different types of receivers."

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., "different enhanced content for different types of receivers") are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the claimed limitation "transmitting enhanced content corresponding to the type of the set-top box," does **not** necessitate requesting "different enhanced content for different types of receivers" as argued by appellant.

The examiner recognizes that the claim is given its broadest reasonable interpretation. Therefore, the examiner's interpretation of the reference meets the claimed subject matter.

For the above reasons, the reference teaches the claimed limitations.

For the above reasons, the rejection of claim 7 should be sustained.
For the same reasons set forth above in relation to the USSC 103(a) rejection of independent claim 7, the rejection of dependent claims 8-10 over Blackketter and Leak should be sustained.

claim 15

c. On page 10, appellant argues that Blackketter in view of Leak does not disclose a set-top box that, "in response to a trigger sends a signal containing header information conveying type and location information of a set-top box."

The examiner respectfully disagrees.

Leak indeed discloses, "in response to a trigger sends a signal containing header information conveying type and location information of a set-top box," in (Leak: [fig. 8;

column 10, lines 30-56]; [column 12, lines 3-5]; [fig. 2; column 4, lines 44-65]; [column 5, line 47- column 6, line 14]; fig. 4).

More specifically:

- As to *"in response to a trigger sends a signal containing header information conveying type...of a set-top box,"*

Leak discloses that when a connected set-top box requests enhanced content through an Internet connection, a signal header is received and effectively decoded at the server, and the set-top box type is established to be a "connected set-top" type. In other words, the set-top box indeed effectively sends a signal to the server indicating that the set-top box is a "connected set-top box" type. The location of the set-top box is also effectively sent; since that is the way the server know which set-top box requested information, so that the enhanced content is then transmitted corresponding to the "connected set-top box" type.

For the above reasons, the rejection of claim 15 should be sustained.

For the same reasons set forth above in relation to the USSC 103(a) rejection of independent claim 15, the rejection of dependent claims 16-20 over Blackketter and Leak should be sustained.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

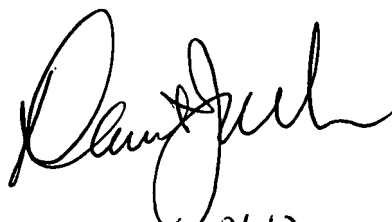

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Shirley Lu



Conferees:


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